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PATENT, TRADEMARK AND COPYRIGHT LAW  
AND RELATED FEDERAL AND ITC LITIGATION

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ATTN: APPLICATION BRANCH

# THIS IS A RESPONSE TO A NOTICE TO FILE MISSING PARTS OF APPLICATION

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Re: Inventor: Yutaro KANEKO et al.

Serial No: 09/087,513

Filed: May 29, 1998

For: METHOD FOR INDUCING IMMUNITY TO VIRUSES

SIR:

Attached hereto for filing are the following papers:

**SUBMISSION OF DECLARATION IN COMPLIANCE WITH 37 C.F.R. §1.53(F)**  
**DECLARATION, POWER OF ATTORNEY AND PETITION (3 PP., EXECUTED)**  
**(COPY) DATE-STAMPED FILING RECEIPT**  
**RETURN NOTICE TO FILE MISSING PARTS OF APPLICATION**

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon  
Attorney of Record  
Registration No. 24,618Sharon E. Crane, Ph.D.  
Registration No. 36,113Docket No. 0010-0929-0X  
(OSMMN 1/97)

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\* REGISTERED PATENT AGENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Yutaro KANEKO et al,

ATTN: APPLICATION BRANCH

SERIAL NUMBER: 09/087,513

FILED: May 29, 1998

FOR: METHOD FOR INDUCING IMMUNITY TO VIRUSES



SUBMISSION OF DECLARATION IN  
COMPLIANCE WITH 37 CFR 1.53(F)

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Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

Responsive to the notification dated June 23, 1998, and in accordance with the provisions of 37 CFR 1.53(f), Applicants submit herewith a Rule 63 Declaration. The required fee was paid at the time of filing of the application.

The Declaration enclosed herewith contains the following information:

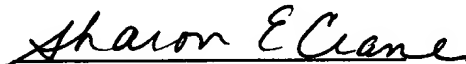
Name of Inventor(s)  
Title of Invention  
Attorney Docket Number  
Filing Date

thereby adequately identifying the above-identified application in accordance with 37 CFR 1.63, as set forth in MPEP Section 601.01.

Please note, the filing date on the Notice to File Missing Parts of Application should be May 29, 1998 as evidence by the attached copy of the Date-stamped Filing Receipt.

In light of the foregoing, the application is deemed to be complete and in condition for examination, and such favorable action is earnestly solicited.

Respectfully submitted,  
OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P. C.



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(OSMMN 1/97)



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

BEST AVAILABLE COPY

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/087,513	05/29/98	KANEKO	0010-0929-0X

OBLON SPIVAK MCCLELLAND  
MAIER & NEUSTADT  
1755 JEFFERSON DAVIS HIGHWAY  
ARLINGTON VA 22202

0242/0623

NOT ASSIGNED

1643

DATE MAILED:

06/23/98

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

Decl 204 51398

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☐ non-small entity is \$ 0

☐ 1. The statutory basic filing fee is:

☐ missing

☐ insufficient

Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for \_\_\_\_\_ dependent claims over 20.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

☒ is missing or unexecuted.

☐ does not cover the newly submitted items.

☐ does not identify the application to which it applies.

☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

*J. Bell*

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

**PART 2 - COPY TO BE RETURNED WITH RESPONSE**